

Planning Commission Date: 3/22/06

Item No.

5.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearings

Report prepared by: Kim Duncan

Public Hearing: Yes: X No: _____

Notices Mailed On: 3/10/06

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TITLE: USE PERMIT NO. UP2005-20 and 'S' ZONE APPROVAL
AMENDMENT NO. SA2005-71

Proposal: A request to amend the existing sign program with the addition of a new 15 foot 6 inch tall monument sign for Milpitas Center.

Location: 10 South Abbott Avenue (APN: 22-25-037)

RECOMMENDATION: Approve with conditions

Applicant/Property Owner: William H. Cilker, Jr. 1631 Willow Street, Ste. 225, San Jose, CA 95125

Previous Action(s): "S" Zone Application and Amendments, Use Permits

Environmental Info: Categorically exempt pursuant to Class 11, Section 15311 ("Accessory Structures") of the California Environmental Quality Act (CEQA) Guidelines.

General Plan Designation: Retail Sub-Center

Present Zoning: Neighborhood Commercial with 'S' Zone overlay (C1-S)

Existing Land Use: Shopping Center

Agenda Sent To: Applicant, Property Owner

Attachments: Plans, Letter from applicant

PJ #2436

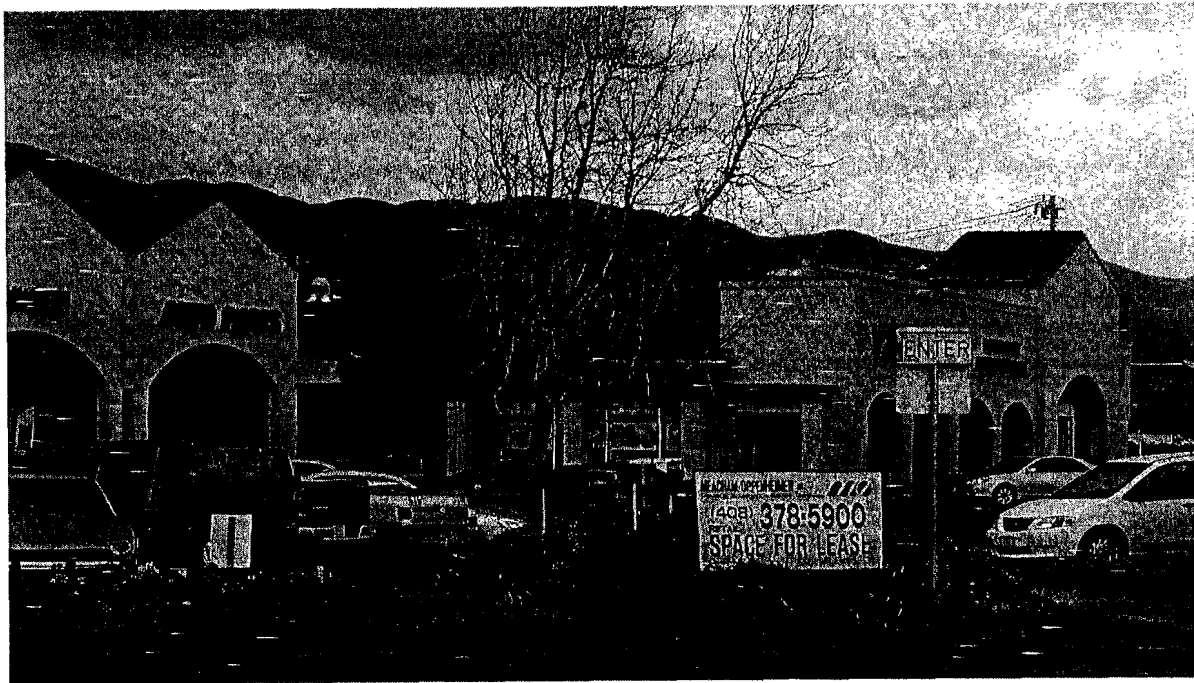
BACKGROUND

In the early 1960's, the Planning Commission approved an 'S' Zone Approval for the Milpitas Shopping Center and, on July 6, 1989, an amendment for a 1,620 square foot building addition, Center remodel, and sign program. Subsequently, the Planning Commission approved several use permits for restaurants since the shopping center opened.

Site Description

The project site is the Milpitas Shopping Center located at the northeast corner of Calaveras Boulevard and South Abbott Avenue in the Midtown planning area. Existing tenants of the Center include Fabrics "N" Fun, Pinoy BBQ, Mil's Diner, Kragen Auto, Laser Tower, Starlite Beauty Salon, and a barbershop. Surrounding land uses to the east include a shopping center complex (Calaveras Plaza), single family residential uses to the north and northeast, and commercial uses to the west, including a gas station. Across the street to the south are various commercial uses including restaurants (Marie Callanders, Chili's) and retail.

Vehicular access to the project site is provided by three (3) 2-way driveways located on the northwest, southwest, and south portions of the parcel. Access to the project site from the southern 2-way driveway is a right turn in-and-out and the two adjacent islands on both sides of the driveway are landscaped with flowering shrubs (Rosaceae) and a liquid ambar tree adjacent to the exit.



Milpitas Shopping Center-northeast corner of South Abbott Road and SR 237.

THE APPLICATION

The applicant is requesting approval of a Use Permit and Site and Architectural review for a new 15 foot 6 inch freestanding sign and amendment to the existing sign program for the shopping center pursuant to Sections 3.04 (Sign Program), 3.01 (d) (Review and Approval) of the Sign Ordinance, as well as Section 42.00 (Site and Architectural Review) of the Milpitas Zoning Ordinance.

PROJECT DESCRIPTION

The applicant is proposing to modify the existing sign program for Milpitas Shopping Center to allow construction of a new 15-foot 6-inch freestanding sign, as well as reflect the fact that allowed tenant sign area can accommodate the new freestanding sign.

Freestanding Sign

The applicant is proposing a new 15-foot 6-inch tall freestanding sign in an existing landscape island located adjacent to the southwest driveway exit (right turn only). The proposed sign would be constructed of a stucco body and Spanish tile roof to match the existing shopping center in materials. Proposed colors include Light Topaz base, Sea Level (light green) accent, as well as white, black, and gray accents. In addition, decorative foam crown molding, circular foam designs, and tile wainscoting are proposed that will ultimately be incorporated in a future shopping center exterior remodel. Tenant signage on the freestanding sign would consist of 29.16 square feet of internally illuminated tenant panel identification signs with vinyl graphics to accommodate seven (7) shopping center tenants. The "Milpitas Center" name would appear at the top of the sign in 10 ½- inch halo-lit aluminum letters and add 9.85 square feet to the shopping center sign area. The total sign area of the proposed freestanding sign is 39.02 square feet.

Sign Program

The existing sign program requires individual, internally illuminated channel letters with letter height not to exceed 24-inches for primary tenants and 18-inches for all other tenants, logos not to exceed 3-feet in length, and letter style/color to be approved by the property owner. The proposed modifications to the sign program do not include any change in the existing sign program designs, dimensions, or colors.

Pursuant to Section 30-3.02, the maximum sign area allowed for multi-tenant commercial shopping centers shall not exceed 2-square feet for each lineal foot of street frontage, or one (1) square foot for each two (2) lineal feet of building perimeter, whichever is greater. Based on the project site street frontage of 651 feet, the shopping center is allowed a maximum of 1,302 square feet of sign area.

According to existing building signage provided by the applicant, there are two (2) center identification signs that are 36 square feet (72 square feet total) on the south and west corner elevations of the building. The proposed monument sign would increase the total sign area of

center signage to 81.85 square feet, therefore, 1,220.15 square feet of sign area would be available for tenant signage. In addition, the total existing square footage of tenant sign area currently used is 414.55 square feet, therefore staff is confident there is sufficient allowable sign area to accommodate the proposed freestanding sign.

Typically, the maximum square footage of sign area for each tenant is calculated based on the square footage of building space a tenant occupies by a sign area multiplies. According to the proposed sign program amendment, the maximum sign area that would be available for tenants is 1,220.15 square feet. The existing shopping center consists of 33,419 square feet of commercial retail space, therefore the amended sign multiplies for tenant building signage would be

ISSUES

Landscaping

The proposed freestanding sign would require the removal of approximately 200 square feet of landscaping that consists primarily of flowering shrubs. The adjacent *liquid ambar* is approximately 20 inches in circumference, therefore not considered "protected" per the Milpitas Tree Ordinance, and is not proposed for removal with this application. However, **staff recommends** a condition of approval that the applicant provides enhancement landscaping in the planter surrounding the monument sign to create a visually attractive entrance to the center.

Conformance with the Sign Ordinance

The proposed sign program amendment complies with the City's sign requirements in that the sign ordinance allows "one (1) double-faced freestanding sign for the purpose of identifying the center, including its principal tenants, with a sign area not exceeding three hundred (300) square feet and a maximum height limit of forty-five (45) feet" (Section 30-4.01). The proposed freestanding sign contains a total sign area of 39.06-square feet and a maximum height of fifteen (15) feet, six (6) inches.

Staff had concerns regarding the modification of the maximum sign area multiplier on the conformance of the existing tenant building signs. According to analysis conducted by staff, two (2) of the existing signs would not be in conformance with the proposed sign program due to exceeding allowable sign area (alteration and barber shop). However, according to Section 30-3.09 of the Sign Ordinance, a non-conforming sign shall not be added to or enlarged without conforming to the applicable regulations (proposed sign program) at the time of modification. While the two (2) signs will be considered non-conforming, any modification, change, or replacement will be required to be in conformance with the new sign program multiplier.

Conformance with Midtown Design Guidelines

As discussed in the project description section above, the existing sign program requires individual, internally illuminated channel letters with letter height not to exceed 24-inches for primary tenants and 18-inches for all other tenants, and the applicant is not proposing any modifications to this requirement. Midtown Design Guidelines state "The size of signs and sign

letters should be proportional to the space they are located in, with the letters typically between 6 and 16-inches high.” (C.4g). The intent of the Midtown Design Guidelines, as related to signage, is to provide for a coordinated sign plan that looks in scale with building elevations, therefore providing for balanced and aesthetically harmonious development. According to approved plans, the Milpitas Center storefront fascia height ranges from four (4) feet to eleven (11) feet, with the approved building sign locations two (2) feet in height. Due to the height of the Center fascia, staff is confident the approved letter heights (24-inch for anchor tenants; 18-inch for other tenants) provide for proportioned, balanced, and visually harmonious signage, therefore meeting the intent of the Midtown Specific Plan Development Standards and Design Guidelines.

According to the Midtown Design Guidelines for signage, freestanding signs are recommended at a single major site entry, and designed to complement the architectural style and setting of the adjacent use. The proposed freestanding sign will be located adjacent to the southwest driveway and constructed of stucco and Spanish roof tile to match the existing building architecture and materials. In addition, the sign will be painted to match the existing building colors, therefore, the proposed freestanding sign is in conformance with the Midtown Design Guidelines for signage.

Conformance with the General Plan

The proposed freestanding sign and sign program amendment do not conflict with any General Plan policies, and are consistent with Implementing Policy 2.a-I-3, which encourages economic pursuits that will strengthen and promote development through stability and balance. The proposed freestanding sign will direct neighborhood commercial retail customers to the shopping center, as well as the modified sign program will ensure continued visual balance from surrounding neighborhoods.

Conformance with the Zoning Ordinance

The purpose of the Neighborhood Commercial (C1) zoning district is to provide for the general commercial needs of neighborhood areas and promote stable, attractive commercial development that will afford a pleasant shopping environment and complement the adjacent residential character of the neighborhood. The proposed project is in conformance with the Zoning Ordinance in that one (1) freestanding sign is conditionally permitted with Planning Commission approval, and the proposed freestanding sign, at the proposed location, will not be detrimental or injurious to property or to the public health, safety, and general welfare of the surrounding neighborhoods.

Conformance with 'S' Zone Combining District

The purpose of the “S” Zone Combining District is to “ensure the layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development”. In this case, the proposed sign program amendment and freestanding sign use permit are compatible with the site and neighborhood. The new signage will increase visibility of the center, improve and update the look of the center, and the colors of the monument sign are aesthetically harmonious with existing uses.

Neighborhood/Community Impact

Staff concludes that the project, as conditioned, will not create a negative community impact. The proposed freestanding sign is compatible with existing elements of the Milpitas Shopping Center in that similar materials and colors will be used, and new landscaping will visually enhance the existing landscaped entrance.

RECOMMENDATION

Close the public hearing. Approve the Use Permit No. UP2005-20 and S-Zone Approval Amendment No. SA2005-171 based on the Findings and Special Conditions of Approval listed below.

FINDINGS

CEQA

1. The proposed project is categorically exempt from further environmental review pursuant to Class 11, Section 15311 (Accessory Structures-On-premise signs) of the State CEQA Guidelines.

General Plan

2. The proposed project is consistent with the Milpitas General Plan in that it is consistent with:
 - Implementing Policy 2.a-I-3, which encourages economic pursuits that will strengthen and promote development through stability and balance.

Zoning Ordinance

3. The proposed freestanding sign is in conformance with the Zoning Ordinance in that one (1) freestanding sign is conditionally permitted with Planning Commission approval;
4. As conditioned, the proposed amended sign program and freestanding sign will not create any adverse community impacts and will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare:
 - Since the existing sign program is consistent and has a unifying theme;
 - The scale of the freestanding sign in the context of the site and building is visually appropriate.

Sign Ordinance

5. The amended sign program and freestanding sign are in conformance with the Milpitas Sign Ordinance in that:
 - One (1) freestanding sign for each individual parcel public street frontage is conditionally permitted with Planning Commission approval;
 - The proposed materials, architecture, and design of the freestanding sign are compatible with the existing shopping center;

Midtown Specific Plan

6. The proposed sign program amendment and freestanding sign conforms to the intent of the Midtown Specific Plan Design Guidelines in that the existing sign program building letter heights are proportional and in balance with the building architecture.

SPECIAL CONDITIONS

1. This Use Permit No. UP2005-20 and S-Zone Approval Amendment No. SA2005-71 approval is for a 15-foot 6-inch tall freestanding sign and associated modification to the existing sign program, as depicted on the approved plans, dated March 22, 2006, and as modified by the approved special conditions. Any modifications to the approved freestanding sign shall be pursuant to Section 42 of the Milpitas Zoning Ordinance, and (P)
2. Prior to the issuance of any building permit, the applicant shall submit to the Planning Division a revised landscape plan reflecting enhanced landscaping and associated irrigation on the project site to the satisfaction of the Planning Director. (P)
3. If, at the time of submittal for any building permits, there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
4. Prior to the issuance of any building permit, if there is a project job account balance due to the City for recovery of review fees, permit issuance will not be initiated until the balance is paid in full. (P)
5. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations. (P)
6. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. The proposed monument should be located 12-foot minimum back from the Abbott Avenue face-of-curb, as further shown on Engineering Services Exhibit "S" (dated 10/10/2005). (E)

7. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements. (E)
8. It is the responsibility of the developer to obtain any necessary permits or approvals from affected agencies or private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)

Planning Division = (P)

Engineering Division = (E)

MILPITAS SHOPPING CENTER

1631 Willow St. #225, San Jose, CA 95125
(408) 264-2534, (408) 262-2078
Fax (408) 264-2537

September 20, 2005

I am applying for a use permit to build a Monument sign for Milpitas Center on the North - East corner of Abbott Ave. and Calaveras Boulevard. The sign will be 15 feet tall and 10 feet wide. It will be located at Milpitas Center's South driveway which has only a right turn entry and right turn exit for vehicles. The monument sign will have space for 3 – 10.5 inches by 80 inches and 4 – 10.5 inch by 40 inches tenant names.

Bill Cilker, Jr.
Owner of Milpitas Center

Milpitas Shopping Center

6 - 46 South Abbott Ave.
Milpitas, California

APN 022-25-037-00

LOCATION MAP

Milpitas Shopping Center

Total leasable Square Footage 33,619
Total parking available 217
Total handicapped parking stalls 7
Total compact parking stalls 91
Percent compact stalls 32.7

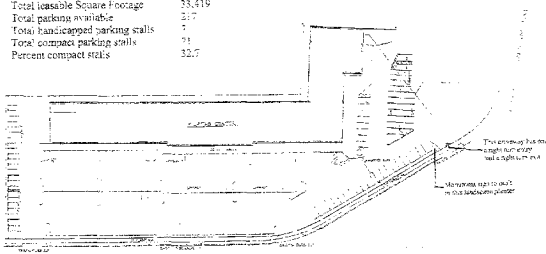
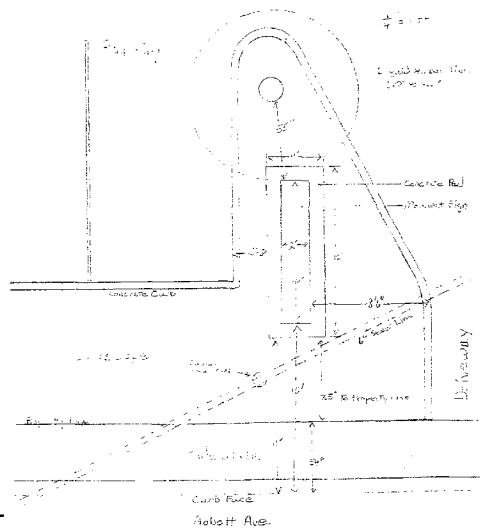


FIGURE 2-1A



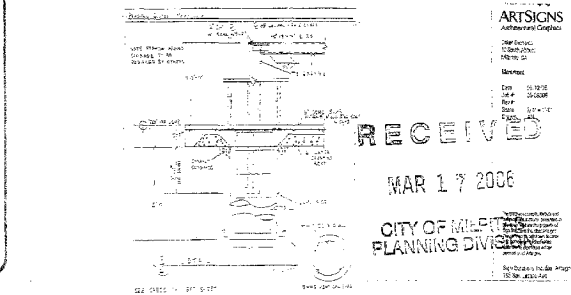
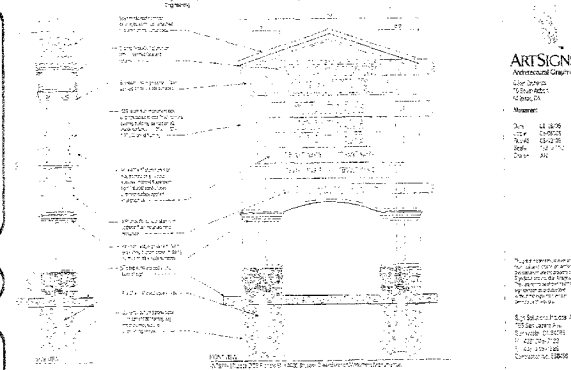
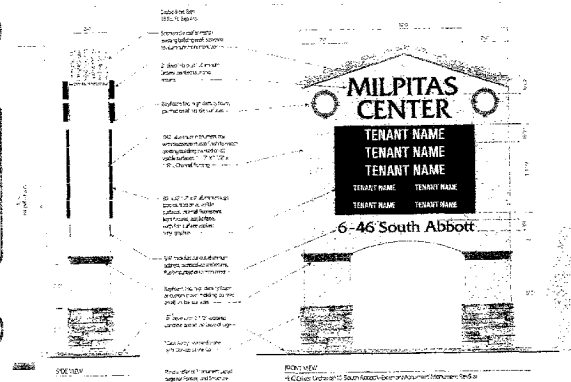
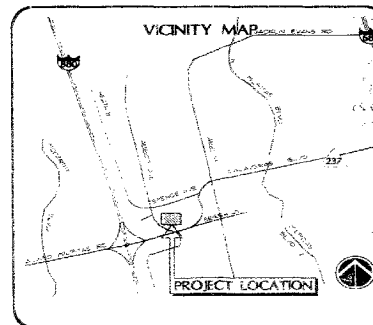
PROJECT CONTACTS

OWNER
D. Crone

1001 W. 10th St. Suite 200
San Jose, CA 95128
Phone: (408) 254-2237
Fax: (408) 254-2237

CODE CONFORMANCE

VICINITY MAP

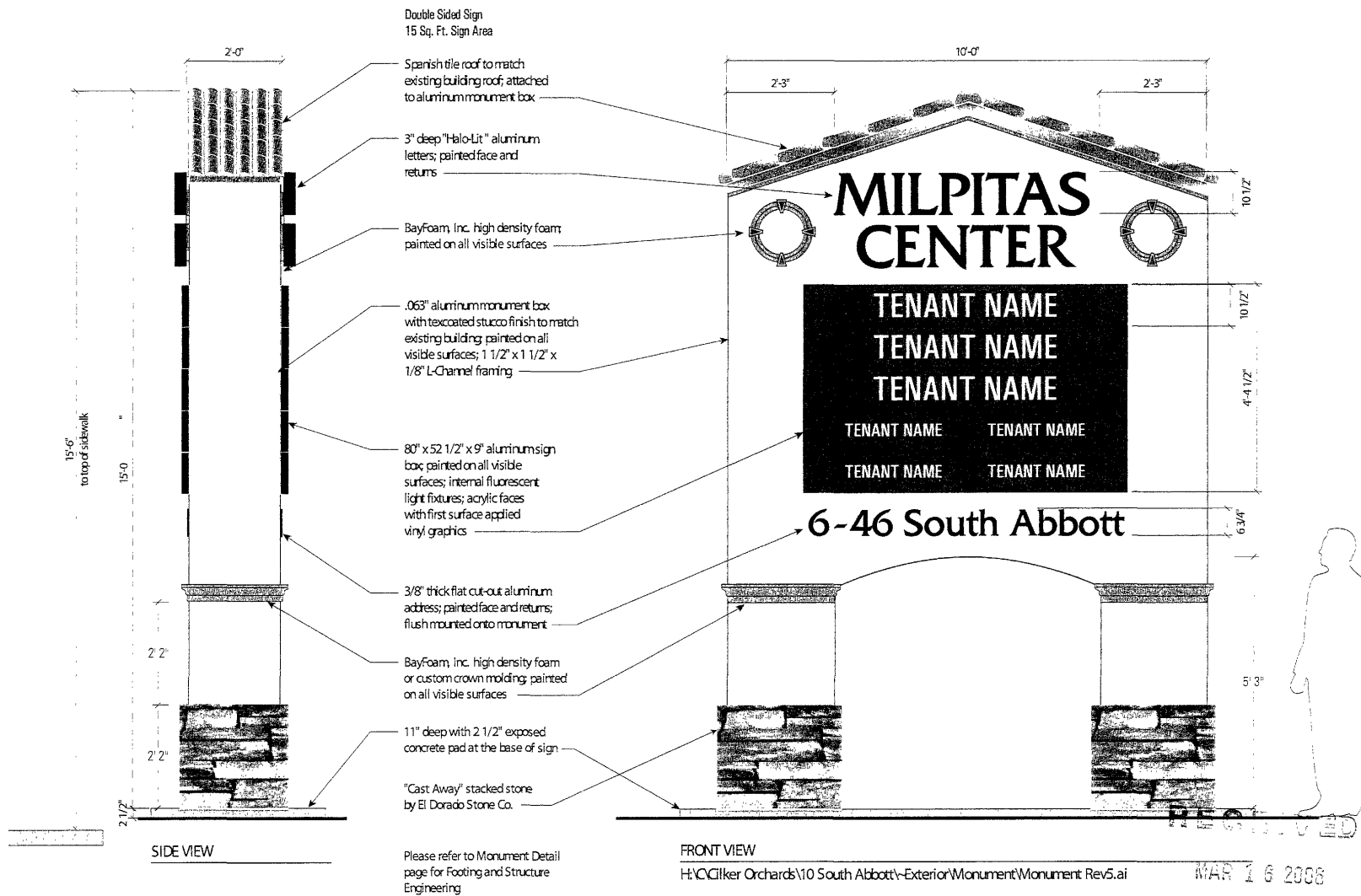


Milpitas Shopping Center
6 - 46 South Abbott Ave.
Milpitas, California
APN 022-25-037-00

COVER SHEET
Sheet No. CS-1

No.	Revision
5.	

100-06-96



ARTSIGNS

Architectural Graphics

Gilker Orchards
10 South Abbott
Milpitas, CA

Monument

Date: 06/18/05
Job #: 05-06009
Rev #5: 3/15/06
Scale: 1/2" = 1'-0"
Drawn: AN/DW

Paint:ICI El Dorado Tan 485

Paint:ICI Sea Level 533

Paint:SW Classical White 2829

Paint:Black (Satin Finish)

Paint:ICI Plateau Grey 684

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MAR 16 2006
CITY OF MILPITAS
PLANNING DIVISION